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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,600	12/13/2000	Lorenz Camenzind	P/543-103	1539

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NEW YORK, NY 100368403

EXAMINER

VERBITSKY, GAIL KAPLAN

ART UNIT	PAPER NUMBER
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2859

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/674,600	Applicant(s) CAMENZIND ET AL.	
	Examiner Gail Verbitsky	Art Unit 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 52-72,75-91,2,3,8,9,11,13,14,23,25,50,73 and 74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,3,8,9,11,13,14,23,25,50,73 and 74 is/are allowed.
- 6) ☒ Claim(s) 52-72 and 75-91 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: A) the numeral should be given to the casing in Figs. 2 and 8b and described in the specification. (see paragraph 2).

B) The Access-Control-Circuit should be described in the specification. (See paragraph of the present Office Action).

Appropriate correction is required.

Drawings

2. The drawings filed on 02/02/2007 are objected to because the numeral should be given to **the casing** in Figs. 2 and 8b. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 52-54, 56-59, 64-70, 72, 77-88 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub (U.S.4854045) in view of Vinci.

Schaub discloses in Figs. 1-2 a multifunctional tool comprising at least one pocket knife and at least one measuring and display device/ LCD 21 for displaying a sensed/ measured value by a tool hand (sensor, col. 2, lines 36-38) 12, 13. The device also comprises at least two cover plates and a casing connected by connecting means (mechanical and electronic) 8, 11, 31, 35 and (pins) 36, 46. The device 21 can releasably snap in/ out. The device further comprises, a memory module (storing means) to store measured data, an emergency transmitter module, batteries, entry keys (menu device/ keypad) 22, watch (time). Schaub states that the number of modules can be expanded depending on the number (plurality) of measuring devices contained in the modules. This would imply, that Schaub suggests measuring a plurality of values. Additional tools can include a calculator, etc. Although Schaub does not explicitly describe a microprocessor and a converter, however, since the device has a calculator,

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it would be inherent to have a microprocessor and a converter, since it is well known in the art that the microprocessor and converters are parts of the calculators.

For claim 52: Schaub teaches in Fig. 2 a multifunctional tool comprising at least one pocket knife, at least one display and measuring device, display and a menu are arranged in one of at least two covers, the cover A (23 combined or integral with an inner module 20). Schaub states that a portion (internal module/ internal surface) 20 of the cover A is provided with expansion possibilities. This would imply, that the other modules could be mounted/ arranged to the inner surface of the portion 20, and that display and measuring devices would be arranged on the cover A and enclosing the knife along with another cover 26.

For claim 68: Schaub discloses in Fig. 2 a multifunctional tool comprising at least one pocket knife in combination with at least one casing (outer covers) 23 and 25, a cover (inner cover) 23 positioned onto an internal side of at least one casing 23, at least one measuring and displaying plurality of physical values device including a menu circuit and a display. As shown in Fig. 2, the display 21 is arranged onto the casing 23.

For claim 79: Schaub discloses in Fig. 2 a casing A (comprising a structure 23 and a structure 20). When the device is expanded, the display and measuring device is arranged/ mounted directly onto the internal surface of the casing A.

For claims 81, 86: Schaub discloses in Fig. 2 a casing 20 and a cover 23 on (attached to a side of the casing 20); a menu and a display are disposed on another side of the cover 23. The cover 23 is releasably mounted on the casing 20.

For claim 80: Since the cover 20 is mounted to the casing 23, it is inherent that attaching the display to the casing 23, one also attaches it to the cover 20.

For claim 87: Schaub discloses in Fig. 2a cover 23, a casing 20, a display disposed in the cover 23, the cover is disposed on (attached to) the casing 20.

Although Schaub clearly suggests having a sensor unit and plurality of modules by expanding the tool, Schaub is silent so as of measuring pluralities of the particular physical values and a plurality of the particular sensors sensing/ measuring a plurality of physical values, as claimed by applicant.

Vinci discloses a multifunctional hand held device for measuring a plurality of physical values including altitude by using a plurality measuring/ sensing devices activated by selecting the respective measuring device and mode of operation, and displaying the respective physical value and the mode of operation.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Schaub, so as to have a plurality of measuring devices to measure a plurality of physical values including a pressure, as taught by Vinci, so as to provide the user with a multiple purpose device, while allowing the user to keep the device in the pocket.

5. Claims 61 is finally rejected under 35 U.S.C. 103(a) being unpatentable over Schaub and Vinci as applied to claims 52-54, 56-59, 64-70, 72, 77-88 above, and further in view of La Neve (U.S.634719).

Schaub and Vinci disclose the device as stated above.

They do not teach the limitations of claim 61.

La Neve discloses a tool arm 16 with a spatula 14 comprising a retractable temperature-sensing awl 10 with a temperature feeler.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a temperature sensing awl, as taught by La Neve, to the device disclosed by Schaub and Vinci, so as to make the device useful as a temperature sensing probe useful during camping food preparation.

6. Claims 76 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 52-54, 56-59, 64-70, 72, 79-88 above, and further in view of Tymkewicz.

Schaub and Vinci disclose the device as stated above.

They do not teach the limitations of claims 76.

Tymkewicz teaches that the display can turn off automatically after a period of time (col. 6, lines 61-64, and col. 7, lines 42-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, so as to turn the display/ device off automatically after a period of time when the device is not used, as taught by Tymkewicz, in order to save life of battery and to prolong the life of the device.

7. Claims 60, 71, 75, 91 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 52-54, 56-59, 64-70, 72, 77-88 above, and further in view of McIntosh and Helberg (U.S. 6043438).

Schaub and Vinci disclose the device as stated above.

They do not teach the scale.

McIntosh discloses in Fig. 7 a device in the filed of applicant endeavor comprising a weighting scale/ element 6-10 wherein a hook 8 is pulled out of a pocket knife device when the weight scale is used to measure a weight. The device also comprises a removable flash light, as shown in Fig. 5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a weighting scale and a hook, as taught by McIntosh, to the device disclosed by Schaub, so as to provide the user with a weighing device usable for weighting food/ fish during a camping.

With respect to have an electronic scale: Helberg teaches to have scale/ weighing hook with an electronic display. This would imply, that there is a conversion circuit converting a physical data measured by the scale into an electronic data readable on the electronic display.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, disclosed by Schaub and McIntosh, so as to have an electronic display scale, as taught by Helberg, in order to have a common electronic display to display the entire data from all sensors, and thus, to minimize the size of the device, as very well known in the art.

8. Claim 63 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 52-54, 56-59, 64-70, 72, 77-88 above, and further in view of Mellors et al. (U.S. 3921049) [hereinafter Mellors].

Schaub and Vinci disclose the device as stated above.

They do not teach that the battery is a solar cell/ battery.

Mellors discloses a solar battery that could be usable with at least watches.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device, disclosed by Schaub and Vinci, so as to have a solar cell, as taught by Mellors, in order to obtain a rechargeable power for the device.

9. Claims 55, 89-90 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 52-54, 56-59, 64-70, 72, 77-88 above, and further in view of Kubota et al. (U.S. 5724317) [hereinafter Kubota].

Schaub and Vinci disclose a device in the field of applicant's endeavor. They disclose all the limitations of the instant application with the exception of a barometer and an altimeter (measuring atmospheric pressure and altitude).

Kubota discloses a device having means for measuring and displaying a plurality of physical values such as atmospheric pressure (barometer) and altitude, temperature. All measuring means are located within the same casing, which, inherently, makes the device function as a multifunctional tool.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add a barometer and an altimeter, as taught by Kubota, to the device disclosed by Schaub, so as to provide the user with more data that desirable to obtain especially when the user is camping/ traveling/diving.

10. Claim 62 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over Schaub and Vinci as applied to claims 52-54, 56-59, 64-70, 72, 77-88 above, and further in view of Vance (U.S. 6313731).

They do not explicitly teach a pressure sensitive switch.

Vance teaches that pressure sensitive switches are more frequently used in our days with portable/ pocket devices.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device disclosed by Schaub and Vinci, so as to have a pressure sensitive switch, as taught by Vance, because these switches are frequently used with portable pocket devices, they could be small sizes and easily integrated into the pocket device of interest.

Allowable Subject Matter

11. Claims 23, 2-3, 8-9, 11, 13-14, 25, 50, 73-74 are objected.

Response to Arguments

12. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

With respect to claim 52: applicant states that cover and casing are two different structures. This argument is not persuasive because conventionally both these structures are used to cover or incase. Since applicant does define neither cover nor casing in the claims, the Examiner considers them structures performing the same functions of covering or incasing. For example, claim 52 is directed to at least two covers and does not claim a casing, therefore, in the rejection on the merits, it is considered by the Examiner in the rejection on the merits of claim 52 that the casing of Schaub is functioning as a cover of the Applicant.

With respect to the new matter situation: Applicant statement that the Access-Control-Circuit is described in the (priority document) PCT is hereby acknowledged. Applicant is now suggested to amend the specification by including said description from the PCT. What is "ski pass" (arguments page 16, line 12)? Does Applicant mean "key pass". Please explain.

In response to Applicant's statement (arguments, page 20) that Schaub is teaching that a sensor unit can be inserted instead of the tool blade (not in addition). This argument is not persuasive because, after thoroughly reading the entire Schaub's description, the Examiner's understanding that when the device is expanded, there is no need to insert another identical blade 13; instead another device such as a sensor (or other listed in col. 3, lines 61-68 and col. 4, lines 1-5) can be inserted.

Conclusion

13. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited in the PTO-892 and not mentioned above disclose related devices and methods

Liu (U.S. 5652587) teaches that a knife 9 can be combined/ integral with a remote control (access member having an access control circuit), which emits a (access) signal to remote equipment.

Penaligon et al. (U.S. 5621936) teaches a multifunctional hand tool comprising a pocketknife combined with a key (access control member).

Izhak (U.S. 5495942) teaches a device comprising a pocketknife combined with a key (access control member).

O'Donnell (U.S. 5392622) teaches a multifunctional hand tool comprising a pocketknife combined with a key (access control member).

Tuttle (U.S. 6768415) discloses a portable/ pocket RFID device with a pressure sensitive switch.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gail Verbitsky whose telephone number is 571/ 272-2253. The examiner can normally be reached on 7:30 to 4:00 ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571/ 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GKV

Gail Verbitsky
Primary Patent Examiner, TC 2800



March 26, 2007

do not enter
not approved
03/26/02

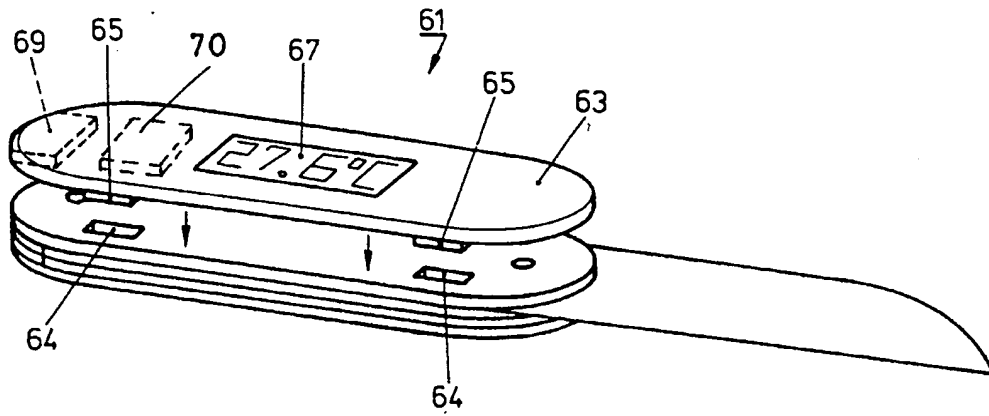


FIG. 8a

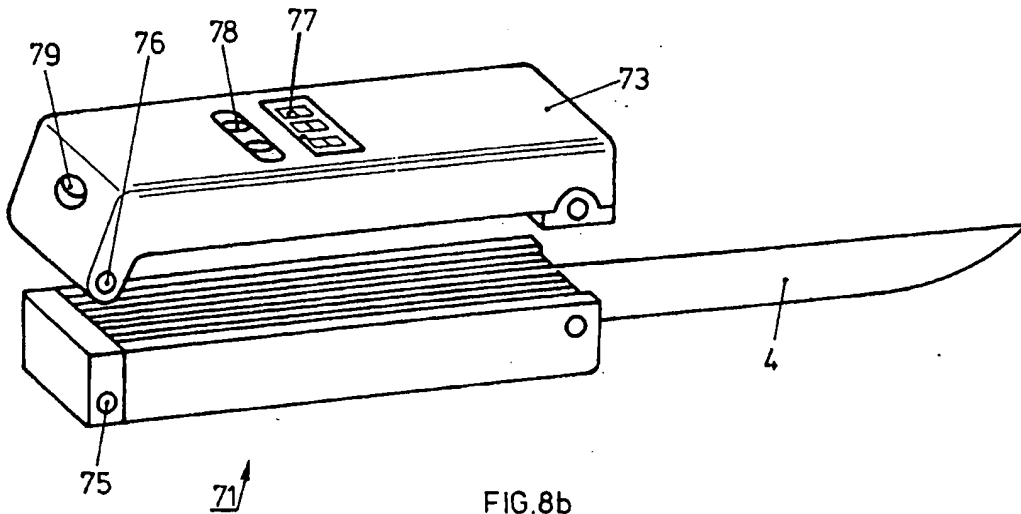


FIG. 8b

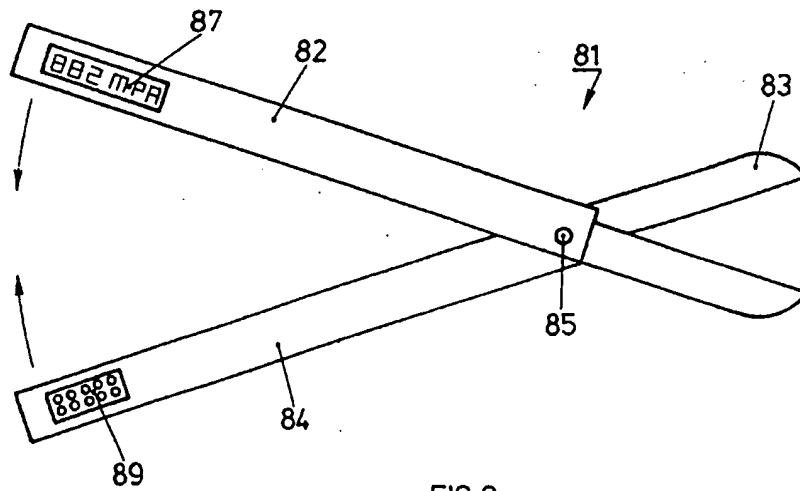


FIG. 9